

JOHN T. BUKANT

IBLA 85-204

Decided July 15, 1985

Appeal from a decision of the Alaska State Office, Bureau of Land Management, rejecting noncompetitive oil and gas lease offer AA-54443.

Affirmed.

1. Oil and Gas Leases: Applications: Description -- Oil and Gas Leases: Description of Land

BLM is not required to alter, modify, or correct an over-the-counter oil and gas lease offer in order to provide an acceptable description of land to be entered on the offer.

APPEARANCES: John T. Bukant, pro se.

OPINION BY ADMINISTRATIVE JUDGE MULLEN

John T. Bukant appeals from a decision of the Alaska State Office, Bureau of Land Management (BLM), dated November 23, 1984, which rejected his noncompetitive over-the-counter offer to lease for oil and gas.

In a letter to BLM, dated August 31, 1984, appellant stated:

Please find enclosed my personal check in the amount of \$ 640.00 to be applied to purchase of land lease in the Nulato Hills section of Norton Bay on the Seward Peninsula per the following:

1ST. CHOICE: KATEEL MERIDIAN 7 SOUTH & 9 WEST

2ND. CHOICE: KATEEL MERIDIAN 8 SOUTH & 9 WEST

3RD. CHOICE: KATEEL MERIDIAN 9 SOUTH & 9 WEST

In the event these 640 acre tracts are no longer available for lease you are authorized to substitute another tract immediately adjacent to the above choices provided they are reasonably comparable to my first, second and third choices.

Since this is my first venture in land leasing perhaps there are details of which I am not aware. Please advise if there are errors of omission on my part or if there are costs in addition to the lease fees.

By letter dated October 2, 1984, referring to his earlier letter, appellant reiterated the information contained in the earlier letter though mentioning a fourth and fifth choice as well as his original three, and inquired as to the status of his request.

By decision dated November 23, 1984, BLM informed appellant that pursuant to 43 CFR 3111.1, an offeror is required to furnish all information requested on Form 3110-11, "Offer to Lease and Lease for Oil and Gas." BLM included a copy of Form 3110-11 with the decision and informed appellant that a nonrefundable filing fee of \$ 75 was required as well as \$ 1 per acre for the first year's advance rental.

On December 18, 1984, appellant filed a statement of reasons together with a Form 3110-11. The Form 3110-11, contains a land description as follows:

Legal description of land required:

| T.  | R.   | Meridian              | State  | County     |
|-----|------|-----------------------|--------|------------|
| 7 S | 9 W  | Kateel River Meridian | Alaska | 1st Choice |
| 8 S | 9 W  | Kateel River Meridian | Alaska | 2nd Choice |
| 9 S | 9 W  | Kateel River Meridian | Alaska | 3rd Choice |
| 6 S | 10 W | Kateel River Meridian | Alaska | 4th Choice |
| 5 S | 13 W | Kateel River Meridian | Alaska | 5th Choice |

Total acres applied for 640

Amount remitted: Filing fee \$ 75.00

Rental fee \$ 640.00

Total \$ 715.00

In his statement of reasons, appellant states he was unaware of forms and procedures used in "acquiring oil and gas leases and that he feels that he had the right to expect assistance from a public servant." Appellant also noted he has attached "completed copies of form 3100-11 for the lease tract that [he] originally applied for" and requests that, if he has improperly completed the form, he be so advised.

[1] First, on August 31 and October 2, 1984, appellant did not submit the form which is a prerequisite, under 43 CFR 3111.1, for the proper filing of a noncompetitive over-the-counter offer to lease for oil and gas. Second, when appellant did submit copies of Form 3100-11, he refers merely to T. 7 S., R. 9 W., Kateel River Meridian, Alaska, as first choice, etc. We must note that each township as described by appellant contains 36 sections, each of which contains 640 acres. Appellant has left it to BLM to choose which 640-acre parcel would be appropriate for him.

The Department has consistently held that an oil and gas lease offer for lands surveyed under the public land rectangular system must describe the land by legal subdivision, section, township, and range in accordance with 43 CFR 3101.2-3. Susan K. Hankins, 18 IBLA 240 (1974); J. Harry Henderson, A-28583 (Feb. 10, 1961); Doris E. Ervin, 66 I.D. 393 (1959). Appellant did not do so.

The descriptions in appellant's offer are totally inadequate and BLM had no choice but to reject the offer. BLM cannot alter or modify lease offers for an offeror as it is the offeror's responsibility to identify the specific parcel which he seeks to lease. C. C. Hughes, 33 IBLA 237 (1977).

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision of the Alaska State Office, BLM, is affirmed.

R. W. Mullen  
Administrative Judge

We concur:

James L. Burski  
Administrative Judge

Gail M. Frazier  
Administrative Judge

